

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121
Mark A. Kutney, AICP, Development Services Director: 797-1101

SUBJECT: Resolution

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 03-690 FROM \$9,000.00 TO \$1,294.19; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owners were cited for the following violation of the Town of Davie Code:

Section 9-22: Garbage and trash removal service required.

The violation has been corrected and the correction verified by Rodney Correa, Waste Management Credit/Collection Specialist on April 27, 2005.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondents agreed with the Mitigation Guidelines recommendation.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$1,294.19 should be considered by the Town Council and the respondent/applicant given 45 days to pay the mitigated amount.

Attachment(s): Resolution, Mitigation Request Summary, Mitigation Worksheet, and Mitigation Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 87-79 FROM \$9,000.00 TO \$1,294.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Scott E. and Pamela A. Gillig, have requested a mitigation of a Code Compliance lien from \$9,000.00 to \$1,294.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Section 9-22 has been corrected.

WHEREAS, the mitigation amount of \$1,294.19 is in accordance with the mitigation guidelines; and

WHEREAS, Scott E. and Pamela A. Gillig, and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case 03-690 in the amount of \$9,000.00, against Scott E. and Pamela A. Gillig, is hereby mitigated in amount to \$1,294.19.

SECTION 2. That this mitigated amount of \$1,294.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$1,294.19 not be paid within the specified time the lien shall revert to the original amount of \$9,000.00.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005

MITIGATION REQUEST SUMMARY

DATE: April 29, 2005

NAME: Scott E. and Pamela A. Gillig

ADDRESS: 13751 Cedar Bluff Court

CASE: 03-690

SUMMARY:

Date respondent cited: June 23, 2003

Date of Final Order: August 13, 2003

Non-Compliance Hearing(s): October 28, 2003

Fine/Lien(s) Imposed: \$ 9,000.00

Department Guideline recommended mitigation amount: \$ 1,294.19

Amount the respondent desires to pay: \$ 1,294.19

The property owner was cited for the following violation of the Town of Davie Code:

Section 9-22: Garbage and trash removal service required.

The violation has been corrected and the correction verified by Rodney Correa, Waste Management Credit/Collection Specialist on April 27, 2005.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$ 1,294.19 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE # 03-690**

Respondent(s): Scott E. and Pamela A. Gillig

Address: 13751 Cedar Bluff Ct.

Fine/Lien Amount: \$9,000.00

Mitigation Recommendation:
(as per approved mitigation guidelines)

a) 2.5% of \$9,000.00	=	\$ 225.00
b) 4% of \$9,000.00 90 days of non-compliance equals 2% of lien/fine per 60 days of non-compliance	=	\$ 360.00
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 1,294.19

TOWN OF DAVIE MITIGATION GUIDELINES

<u>FINE AMOUNT</u>	<u>RECOMMENDATION</u>
Fine to \$10,000	2.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$10,000 - \$20,000	5.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$20,001 - \$30,000	7.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$30,001 - \$40,000	10.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$40,001 - \$50,000	12.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$50,001 - \$60,000	15.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$60,001 - \$70,000	17.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$70,001 - \$80,000	20.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$80,001 - \$90,000	22.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$90,001 - \$100,000	25.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
Over \$100,000	30.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.

MITIGATION BASE FEE* \$709.19

***Subject to revision as per current staff salaries**

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